

**MINUTES**

**McDowell Sonoran Preserve Commission  
1<sup>st</sup> Floor Community Development Conference Room  
March 6, 2003  
5:00 P.M.**

**CALL TO ORDER**

The meeting was called to order at 5:05 p.m.

**ATTENDANCE**

Present: Darren Smith  
Virginia Korte  
Carla  
Bill Berkley  
Laura Fisher  
Denny Carr  
Howard Myers  
Jane Rau  
Don Ruff  
Solange Whitehead

Absent: Les Conklin

Staff: Bob Cafarella  
Don Meserve  
Claire Miller  
Teresa Huish  
Cathy Eley

Visitors: (one student in attendance did not sign in)

Carla introduced new Commissioner Solange Whitehead. Ms. Whitehead serves as the Executive Director of the Environmental Fund for Arizona (EFA).

**MINUTES**

Commissioner Myers recommended the following change to the minutes of November 7, 2002:

Page 3, paragraph 1: "... maximizing the right of way and *minimizing* the impact of lighting..."

MOTION WAS MADE by Commissioner Ruff to APPROVE THE MINUTES OF THE NOVEMBER, 7, 2002 MEETING AS AMENDED, THE DECEMBER 5, 2002 MEETING, THE JANUARY 7, 2003 MEETING AND THE JANUARY 27, 2003 MEETING. MOTION WAS SECONDED by Commissioner Rau, WHICH CARRIED UNANIMOUSLY, 10-0.

## UPDATE ON AD HOC FUNDING COMMITTEE

Chairman Smith stated that they are still working on the numbers on the acres and financial estimates, and that they are making plans to have a public opinion polling firm do a survey of Scottsdale voters to see where they stand on funding options for the Preserve.

Commissioner Carla added that they were waiting until after the Scottsdale Unified School District Override Bond Election on March 11, 2003 before the survey is started.

Commissioner Myers asked if any effort was planned on improving the image of the Preserve.

Chairman Smith stated that the survey would determine the degree of the any negative perceptions and that they would also be adding capital costs for improving access areas into the funding analysis.

Commissioner Myers stressed the importance of communicating clear information on access areas.

Commissioner Carla commented that once the survey determined any real public perception problems, that they would address those concerns.

Commissioner Carr commented that it was very important to gauge the perceptions about the Preserve.

## **OVERFLIGHTS OVER THE MCDOWELL SONORAN PRESERVE, AND EMERGENCY RESPONSE PROCEDURES AND PREPAREDNESS**

Mr. Meserve stated that Rural Metro Fire Chief Jim Ford was in attendance to answer any questions the Commission may have about the recent plane crash in the McDowell Mountains and said Mr. Ford is prepared to make a brief presentation on the emergency response to the crash.

Chief Ford stated that on the evening of January 26, 2003, a Rural Metro Battalion Chief noticed a fire in the McDowell Mountains and immediately contacted Rural Metro dispatch at which time a call was also placed to Scottsdale Airport to check if they had reported a plane going down. Chief Ford stated that their Special Operations Team responded and that a DPS helicopter was also dispatched. Chief Ford noted that a Phoenix Fire helicopter was on stand-by in case an airdrop of water was required. Chief Ford stated that a DPS paramedic was lowered by helicopter to the crash site and determined that it would be a recovery effort. Chief Ford commented that it was quickly observed that the fire was contained and that it was dying out, so the Phoenix helicopter was called off. At that time, it was determined to secure the scene and return at daybreak to begin the recovery effort. Chief Ford stated that the one oversight was not contacting the City's Preservation staff, but that they will be changing their procedures to reflect that in case of any future event in the Preserve, the Preserve staff would be notified.

Commissioner Ruff commented that he was at a home in DC Ranch at the time of the crash, saw the fireball from the crash and was surprised how long the response took.

Chief Ford responded that it was a very dangerous operation to do this at night, noting that the Forestry Service does not permit their pilots to fly at night to fight fires, but that the City of Phoenix had agreed to the water drop by helicopter if it was deemed necessary.

Commissioner Carla asked how the removal of debris was handled.

Chief Ford stated that was a function of the National Transportation Safety Board (NTSB).

Commissioner Carla suggested that the Preserve staff be involved in any plans to remove any debris from the Preserve because of the potential negative impacts on the Preserve from recovery efforts.

Commissioner Rau commented that the number of flights that came in and out of the airport surprised her.

Commissioner Berkley commented that resources in dealing with this type of incident are very limited and suggested contacting the National Guard to utilize their assets, if needed.

Chief Ford commented that they do not fly for fire incidents.

Commissioner Berkley suggested using them for other types of incidents.

Chief Ford stated that they would research that possibility.

Commissioner Carr asked how well trained the staff was in dealing with this type of incident in this area.

Chief Ford responded that the staff who work in this area have been there for quite some time and that they have preliminary trails maps and that they have conducted training exercises.

Ms. Miller commented that Preservation staff has been having conversations with the Police Department and Rural Metro about marking the trails and utilizing GPS to prepare for responding to emergencies.

Commissioner Carla commented that she would like the Commission to consider having staff investigate the feasibility of adding a flight rule to FAA maps to require a higher flight elevation over the Preserve.

Commissioner Berkley noted that if the FAA agrees, it would be printed on all the flight maps.

Chairman Smith asked what would be the purpose of having a higher flight elevation.

Commissioner Carla commented that it would show on the map, which would help people unfamiliar with the area, as well as prohibiting flying through Windgate Pass, landing in the Preserve, and low flights over the Preserve.

Mr. Cafarella suggested inviting Airport Director Scott Gray to attend the next Commission meeting to discuss this issue.

Commissioner Myers commented that he thought it was good idea. The Commission concurred.

## **PLANNING COMMITTEE RECOMMENDATIONS ON THE NAMES FOR FEATURES IN THE PRESERVE**

Commissioner Carla commented that the Preserve Commission was asked to consider naming a feature in the Preserve in honor of former Mayor Herb Drinkwater. She noted that the official State waiting period of five years after someone is deceased was due to expire this year, so the Planning Committee was asked to evaluate options. Commissioner Carla stated that the Committee felt it would also be beneficial to use this opportunity to “cleanup” the maps and codify some historic names and names that are in common used for features. Commissioner Carla reviewed the recommendations with the Commission, which included the proposal to name the Peak just to the west of McDowell Peak (elevation 3914’) to Drinkwater Peak. A list of names was distributed and a map was used to show the location of each feature.

Ms. Miller commented that the names needed to be approved by the Arizona State Board on Geographic and Historic Names. Ms. Miller noted that the application is four pages for each name and that all the proposed names would be submitted as a package.

Commissioner Carla commented that the user groups would help with the research for the applications. Commissioner Carla noted that the press may be covering this story. Commissioner Carla stated that they felt it would be a good idea to do all the naming as a package as there may be opposition to honoring Drinkwater.

Mr. Meserve commented that the State Board would look at whether the property owners support the proposed names, such as whether the State Land Department supports the Little Granite Mountain name.

Ms. Miller noted that obtaining letters of support from the property owners would be part of the process of preparing the application package after the Commission has made a recommendation on names.

Chairman Smith asked how strong the opposition to honoring Drinkwater was.

Commissioner Carla responded that there was some opposition.

MOTION WAS MADE by Commissioner Korte TO FILE APPLICATIONS TO THE ARIZONA STATE BOARD ON GEOGRAPHIC AND HISTORIC NAMES BASED ON THE RECOMMENDATIONS FROM THE PLANNING COMMITTEE, WHICH INCLUDED NAMING THE PEAK TO THE WEST OF MCDOWELL PEAK DRINKWATER PEAK. MOTION WAS SECONDED by Commissioner Rau, WHICH CARRIED UNANIMOUSLY, 10-0.

## **DIRECTOR'S REPORT**

Mr. Cafarella stated that final arguments were held today on the largest condemnation case in Arizona, which is the 143 acres in Troon North. Mr. Cafarella stated that they don't know what will happen in this jury trial, but that they expect a verdict tomorrow, noting that the jury has been very attentive throughout this trial. Mr. Cafarella commented that the other party may make a big deal over how much money the City spent on expert witnesses to defend the condemnation.

Chairman Smith asked how much was spent.

Mr. Cafarella stated that it was close to a million dollars.

Commissioner Carla stated that the ripple effect if the City loses this could be financially catastrophic.

Commissioner Carr asked if there was an appeals process.

Mr. Cafarella stated that there was, although it would have to be based on something that happened during the trial, noting that the Judge in this case had already made comments implying that Scottsdale may have grounds for appeal.

Mr. Cafarella commented that there was another condemnation that hadn't been filed yet and that the property owner had submitted a counter offer from the August, 2002 offer for 20 acres. Mr. Cafarella stated that he would be sending the counter offer to City Council for their approval.

Mr. Cafarella reviewed with the Commission the history of a golf course, the Golf Club of Scottsdale, that was being constructed at the edge of the Preserve by Fraesfield Mountain, noting that the applicant was now asking to relocate the maintenance facility to a location directly adjacent to the Preserve at Dixileta Drive

alignment on the north end of their property. Mr. Cafarella stated that the applicant has been made aware that he will need to go before this Commission, as well as the Planning Commission and City Council, as it was an amendment to their original plan. Mr. Cafarella noted that the applicant would be meeting with Deputy City Manager Ed Gawf next week.

Commissioner Carla asked if they could by-pass this Commission since the proposed location for the maintenance building is not consistent with what was agreed upon when their use permit was approved.

Mr. Cafarella stated that they could, but they would still have to go through the public hearing process.

Commissioner Fisher asked why they wanted to relocate the facility.

Mr. Cafarella stated that they have not given a clear reason to the Preservation staff.

Mr. Meserve commented that the applicant had told other City staff that it was to reduce visibility.

Commissioner Carla commented that the relocation would negatively impact the view shed from the Preserve and the area trails.

Commissioner Myers stated that the applicant should be encouraged to come before this Commission and asked staff to provide a site plan to the Commission.

Chairman Smith asked if the Commission wanted a letter sent to Deputy City Manager Gawf regarding this. The Commission concurred.

Mr. Cafarella stated that they were still working on the Toll Brothers acquisition, noting that the Thompson Peak Alignment was still in flux and that they were encouraging this to come before this Commission. Mr. Cafarella also noted that several Council members had called him to let him know how much they appreciated the Commission's letter on the Trails Master Plan and that it was going to City Council in April or early May.

## **PRESERVE MANGER'S REPORT**

Ms. Miller commented that she had been out at the 104<sup>th</sup>/Bell location and met a representative of Toll Brothers. She was informed that they were concerned with the level of activity there and were considering fencing off the area, so the trail access there would be closed, as they feel they have a liability issue.

Commissioner Carla commented that Toll Brothers was very adamant about closing the 104<sup>th</sup>/Bell trailhead and expects it to happen within the next two weeks. Commissioner Carla noted that she had reminded them that they have been trying to work through this and now it was going to be more difficult, as the public would be very upset with the closure and that it may become a press issue as well.

Mr. Cafarella noted that technically it is still State Trust Land because they have only made a down payment. Toll Brothers has stated that all permits for that area have been revoked by the State Land Department, although no one has received notification to that effect yet.

Ms. Miller stated that they were still working on the Hidden Trails trailhead issue, noting that they would be meeting with the homeowners on March 19, 2003 and that this would probably continue to be in the press. Ms. Miller stated that they were continuing to move forward with the project.

Ms. Miller stated that they had received a letter from the State Parks Department that informed them that the \$120,000 grant that they had received might be taken away due to State Budget cuts.

Ms. Miller reported that the Preserve Design Guidelines final document was almost completed, noting that the Planning Committee was working on trail amenities.

Ms. Miller noted that she had met with the Maricopa County Transportation Committee to discuss trails. Ms. Miller reported with the State budget cutbacks that Tammy Pike's position with State Trust Land as off-road vehicle representative may be eliminated effective June 30, 2003.

Ms. Miller stated that there were several on-going Steward and Eagle Scout projects. Ms. Miller also noted that one of the stewards; Phoebe Pevear had passed away last week. Ms. Miller reported that she had attended a conference in Prescott recently on Law Enforcement in Preserves and that protecting archaeological resources was a major topic for enforcement.

## **FUTURE EXECUTIVE SESSION**

MOTION WAS MADE by Commissioner Ruff TO HOLD AN EXECUTIVE SESSION FOR APRIL 3, 2003 FOR THE PURPOSE OF DISCUSSION WITH REPRESENTATIVES OF THE PUBLIC BODY AND CONSULTATION WITH CITY ATTORNEY FOR LEGAL ADVICE TO CONSIDER ITS POSITION AND INSTRUCT ITS REPRESENTATIVES REGARDING NEGOTIATING FOR PURCHASE OR LEASE OF REAL PROPERTY FOR INCLUSION IN THE MCDOWELL SONORAN PRESERVE. ARS 38-431.03(A) (3) AND (A) (7). MOTION WAS SECONDED by Commissioner Rau, WHICH CARRIED UNANIMOUSLY, 10-0.

## **COMMISSION COMMENTS AND PUBLIC COMMENTS**

Commissioner Carla stated that she had not received much feedback on the commercial permitting recommendations, noting that they needed to get working on moving this forward. Commissioner Carla commented that there would be an event, "Preservation Party 2003", sponsored by the Land Trust in partnership with the Frank Lloyd Wright Foundation on April 24, 2003 at Taliesin West.

## **AGENDA ITEMS FOR FUTURE MEETINGS**

Mr. Cafarella stated that the gentleman interested in geocaching asked to meet with the Commission again, noting that he took their recommendations and would like the opportunity to discuss it again.

Commissioner Ruff suggested that staff meet with him first and then see if it is necessary for the Commission to meet with him.

Mr. Cafarella stated that he would ask Airport Director Scott Gray to attend the next meeting.

Commissioner Carla stated that she would like an update from the City of Phoenix on Scottsdale Road, which was discussed at the joint meeting with the Phoenix Sonoran Preserve Committee in January.

Meeting adjourned at 6:35 PM.

Submitted by:

Cathy Eley  
Recording Secretary  
3603MIN